

SERIAL NO.: 10/622,248
ATTORNEY DOCKET NO.: 13747/62043

Remarks/Arguments

Please reconsider the application in view of amendments and the following remarks.

Disposition of Claims

Claims 1-6 and 11 are pending in the application. Claims 1 and 11 have been amended. Claims 1-6 and 11 are rejected. No new matter has been added.

Rejections under 35 U.S.C. §102

Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese reference JP 357,178,946A (the '946 reference). Applicant respectfully traverses.

The '946 reference does not identically disclose the vehicular lighting system recited in independent claim 1. The '946 reference discloses a 'lighting apparatus fixing method for car radiator grill". See '946 reference, title. The '946 reference discloses a radiator grill 11 molded by an injection molding method and a cup-shaped lamp housing molding space L formed and communicated to a molding space M which forms the grill and resin injected and molded into one piece-shape. See '946 reference, abstract, paragraph 2, lines 1-4. After the molding, a mask is laid and a reflex film is formed in the interior of a housing lamp 12. See '946 reference, abstract, lines 4-5.

In contrast, the claimed invention is a vehicular lighting system comprising a grille and at least one light fixture integrated with the grille wherein the fixture is unobstructed by the grille and the fixture is substantially flush with a front of the grille.

The Examiner states that the '946 reference "discloses a vehicle lighting system [figures 1 and 2] comprising a grille [1] and at least one light fixture [2] integrated with the grille [1] wherein the fixture is unobstructed by the grille and the fixture is substantially flush with the front of the grille [note it appears the lens 15 would be flush with the front of the grill 11]". See Office Action dated February 2, 2006, page 2, paragraph 3. However, the '946 reference does not disclose that the light fixture is substantially flush with a front of the grille. Neither description nor drawing is given that would indicate that the light fixture in the '946 reference is substantially flush with the front of the grille. Thus, the '946 reference does not disclose that the light fixture is substantially flush with the front of the grille.

Further, for a reference to anticipate claims of an application, (1) all the elements of an invention, as stated in the patent claim (See Transclean Corp. v. Bridgewood Services, Inc.); (2)

SERIAL NO.: 10/622,248
ATTORNEY DOCKET NO.: 13747/62043

must be identically set forth (See *Gechter v. Davidson*, 116 F.3d 1454, 1457 (Fed. Cir. 1997); (3) in a single prior art reference (*See* *Mehl/Biophile International Corp. v. Milgraum*, 192 F.3d 1362, 1365 (Fed. Cir. 1999)). Thus, the standard for anticipation is not met when it simply “appears” that the element is identically set forth in the reference. Rather, it must be identically set forth.

The ‘946 reference does not disclose that the light fixture is substantially flush with the front of the grille. The Examiner has not pointed to any Figure or any description in the ‘946 reference that shows the light fixture substantially flush with the front of the grille. Rather, the Examiner has simply stated, without evidence, “note it appears the lens 15 would be flush with the front of the grille 11”. Because the ‘946 reference fails to disclose that the light fixture is substantially flush with the front of the grille as claimed in the invention in claim 1, Applicant submits that claim 1 and all claims dependent therefrom, are not anticipated by the ‘946 reference.

For these and other reasons, Applicant submits that claims 1 and 6 are not anticipated by the ‘946 reference and requests that the rejection of these claims 35 U.S.C. 102(b) be withdrawn.

Rejections under 35 U.S.C. §103

Claims 2-5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Japanese reference described above, the ‘946 reference. Applicant respectfully traverses and submits that the examiner has failed to establish a *prima facie* case of obviousness.

Claims 2-5 are dependent on claim 1. For reasons given above, and others, claim 1 is allowable and therefore, all claims dependent therefrom are also allowable. Therefore, Applicant requests the rejection of these claims be withdrawn.

With respect to claim 11, Applicant had previously amended this claim to include the limitation that the socket will receive a light fixture substantially flush with the front of the grille base. Applicant believes this amendment has made the claim allowable and for reasons given above, and others, Applicant submits that claims 2-5 and 11 would not have been obvious and requests that the rejection under 35 U.S.C. 103(a) be withdrawn.

Response to Amendment

SERIAL NO.: 10/622,248
ATTORNEY DOCKET NO.: 13747/62043

The Examiner states "in applicant's specification he does not disclose the critical nature of the light fixture being substantially flush with the front of the grille. See Office Action, page 4, paragraph 2. Applicant respectfully disagrees.

The Applicant discloses the critical nature of the light fixture being substantially flush with the front of the grille throughout the application. Specifically, the Applicant discusses the background of the invention stating, when referring to emergency vehicles having flashing blue emergency lights conspicuously located on the top of the vehicle, "the problem with this type of vehicle, for some emergency personnel, is the location of the lights makes it difficult for the vehicle to be inconspicuous in non-emergency situations." See, present specification, page 1, paragraph 0002. The Applicant then specifies that the "present invention is based on the realization that grilles for inconspicuous emergency vehicles can be designed by constructing automotive grilles with emergency lights built flush therein thereby allowing the lights to be unobstructed and conspicuous when lit". See present specification, pages 2-3, paragraph 0005. Thus, the Applicant explicitly states that the flush design enables the lights to be inconspicuous until lit, when, because they are unobstructed by the grille, they become conspicuous.

Request for Translation

Applicant respectfully requests a translation of the reference relied on by the Examiner in the present rejection. Specifically, Applicant requests translation of JP 357,178,946A.

Conclusion

The claims have been shown to be allowable over the prior art. Applicant believes that this paper is responsive to each and every ground of rejection cited by the Examiner in the Action dated February 7, 2006, and respectfully requests favorable action in this application. The examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

Please apply any charges not covered, or any credits, to Deposit Account 04-0932 (Reference Number 13747/62043). The Applicant herewith petitions the Commissioner of Patents and Trademarks to extend the time for reply to the Office Action dated February 7, 2006 for 4 month(s). Please charge deposit account number 04-0932 (Reference Number 13747/62043), in the amount of \$795 to cover the cost of the extension. Any deficiency or overpayment should be charged or credited to the above numbered deposit account.

SERIAL NO.: 10/622,248
ATTORNEY DOCKET NO.: 13747/62043

Please apply any charges not covered, or any credits, to Deposit Account 04-0932
(Reference Number 13747/62043).

Respectfully submitted,

Date: 08.07.2006

By: 
Michelle Saguet Temple, Reg. No. 48,834

DEVINE, MILLIMET & BRANCH, P.A.
111 Amherst Street
Manchester, NH 03101

Telephone: (603) 669-1000

Facsimile: (603) 669-8547